

### **REMARKS**

The Examiner is thanked for the withdrawal of the 35 U.S.C. § 112 rejections. (Paper No. 20100723 at 2-3.)

The Examiner is also thanked for indicating the allowability of claims 15 and 25. (Id. at 13.)

Claim 15 has been amended to render it independent.

Claim 16 has been amended to change the dependency from that of claim 1 to that of claim 15.

Claims 1-14 and 18-24 have been canceled.

No new matter has been added by any of the amendments.

The Examiner made the following rejections. The reply is provided after mention of all the rejections. The reply applies to each of the rejections.

#### **Rejections**

1. Claims 1, 6, 7-9, 12 and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by Van Allan et al., Journal of Chemical and Engineering Data 1977, 22, 101-104. (Id. at 3.)

2. Claims 1, 6-9, 12, 13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as obvious over WO2003/068183. (Id. at 4.)

3. Claims 1, 6-9, 12, 13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,783,114 in view of Basin et al., Organic Process Research and Development 2000, 4, 427-435. (Id. at 6.)

4. Claims 1, 6-9, 12, 13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as obvious over Van Allan et al., Journal of Heterocyclic Chemistry 1971, 8, 367-371, in view of Basin et al. Organic Process Research and Development 2000, 4, 427-435. (Id. at 7.)

5. Claims 1, 6, 7-9, 12, 13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyd et al., Journal of the Chemical Society, Section C: Organic 1967, 19, 1866-1868, in view of Basin et al., Organic Process Research and Development 2000, 4, 427-435. (Id. at 8.)

6. Claims 1, 6-10, 12-14, 16, 17, 23 and 24 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,611,696 (10/494,500). (Id. at 10.)

#### Reply to Rejections

To forward prosecution in the present application, allowable claim 15 has been amended to render it independent (and independent claim 1 has been canceled). Claims 1-14 and 18-24 have been canceled.

The Examiner has indicated the allowability of claims 15 and 25. (Id. at 13.)

It is respectfully submitted that all of the rejections have been rendered moot. Reconsideration and withdrawal of the rejections are requested.

It is further submitted that present claims 15-17 and 25 are allowable.

Issuance of a Notice of Allowance is respectfully requested.

Application No.: 10/589,051  
Response Dated: November 29, 2010  
Reply to Office Action Dated: July 29, 2010

For the foregoing reasons, entry of the amendments and allowance of the claims are requested. Issuance of a Notice of Allowance is respectfully requested. If the Examiner has any questions, please contact the undersigned.

I hereby certify that this correspondence is being transmitted in accordance with 37 CFR §§1.6(a)(4) and 1.8 via the U.S. Patent and Trademark Office (USPTO) electronic filing system (EFS-Web) to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 29, 2010.

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